



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable J. D. Looney  
County Auditor  
Bowie County  
Boston, Texas

Dear Sir:

Opinion No. O-3145

Re: Can a contribution of \$10.00 to the County Judges' and Commissioners' Association of Texas be paid out of county funds, or should said amount be paid by the county judge and commissioners personally?

Your recent request for an opinion of this department on the above stated question has been received.

We quote from your letter as follows:

"The County Judges' and Commissioners Assn of Texas has taken up with Comm Court of this county, for a \$10.00 donation to said assn. In making a contribution should the money be paid by said County Judge and Commissioners or out of the County funds?"

Section 52 of Article 3 of the State Constitution reads in part as follows:

"Sec. 52. The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever. . . ."

We quote from Texas Jurisprudence, Vol. 11, pages 563-4-5, as follows:

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"Counties, being component parts of the State, have no powers or duties except those which are clearly set forth and defined in the Constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liability of the commissioners court, the medium through which the different counties act, and from these statutes must come all the authority vested in the counties. . . . Commissioners courts are courts of limited jurisdiction and their authority extends only to matters pertaining to the general welfare of their respective counties and their powers are only those expressly or impliedly conferred upon them by law, that is, by the Constitution and statutes of this State."

There is no statute in this State that expressly or by implication authorizes the Commissioners' Court to make the expenditure above mentioned. Therefore, you are respectfully advised that it is the opinion of this department that the Commissioners' Court has no authority whatsoever to pay the above mentioned amount or any other amount to the County Judges' and Commissioners' Association of Texas out of any funds of the county. If said amount is paid, it must be paid personally by the county judge and the commissioners.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

AW:GO

APPROVED FEB 15, 1941

*Gracie M. Mean*  
ATTORNEY GENERAL OF TEXAS

